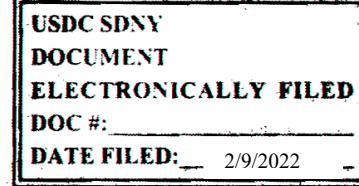


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALTAGRACIA SANTANA, et al.,

Plaintiffs,

21-CV-08724 (PGG)(SN)

-against-

ORDER

PETER GRAVAGNA, et al.,

Defendants.

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SARAH NETBURN, United States Magistrate Judge:

Attorney Marvin Romero has filed a letter attesting that his office represents Peter Kreatouslas (or Kreatsoulas) and Attorney Alan Davis represents Peter Gravagna. ECF No. 79. Although the Plaintiffs contend that these individuals are one and the same, the Court will proceed under the assumption that they are two different people. To the extent that this issue affects the Court's resolution of these defendants' pending motions to dismiss, the Court may conduct a hearing.

Separately, Defendant Marshal Thomas Bia has moved to dismiss the complaint or transfer the action to state court. ECF. No. 74. The Court interprets this motion as made pursuant to Rule 56 of the Federal Rules of Civil Procedure and will resolve it accordingly. Due to Defendant Bia's *pro se* status, the Court will accept his declaration in lieu of a Rule 56.1 Statement. See Local Civil Rule 56.1. No later than February 18, 2022, however, Defendant Bia must refile the supporting declaration that he submitted, ECF No. 75, such that it is sworn to under penalty of perjury as required by 28 U.S.C. § 1746. Defendant Bia must attach any exhibits that he wants the Court to rely on in resolving his motion to his refiled declaration.

Because Defendant Bia styles his motion as “joining” the motion for summary judgment filed by Defendants Hertz Cherson & Rosenthal, P.C., Janet Goldstein, Steven Hertz, Michael Taylor, Orquieda Rivera, and Heath Tygar, see ECF No. 64 (the “HRC motion”), Plaintiffs are ORDERED to file one consolidated response to the HRC motion and Defendant Bia’s motion. Plaintiffs’ opposition brief is due no later than March 11, 2022, and may not exceed thirty (30) pages. The HRC Defendants’ reply, if any, may not exceed ten (10) pages and is due no later than March 18, 2022. Defendant Bia’s reply, if any, may not exceed ten (10) pages and is also due no later than March 18, 2022.

The Clerk of Court is respectfully directed to mail this order to *pro se* Plaintiffs Altagracia Santana and Genesis Cabrera.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: February 9, 2022
New York, New York